

ENGLISH ESPAÑOL



Nicaragua

NOT FREE

31
/100

<u>Political Rights</u>	10 /40
<u>Civil Liberties</u>	21 /60

LAST YEAR'S SCORE & STATUS
32 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



Note

To read this report in Spanish, please [click here](#).

Overview

The election of Sandinista leader Daniel Ortega in 2006 began a period of democratic deterioration marked by the consolidation of all branches of government under his party's control, the limitation of fundamental freedoms, and unchecked corruption in government. In 2018, state forces, with the aid of informally allied armed groups, responded to a mass antigovernment movement with violence and repression. The rule of law collapsed as the government moved to put down the movement, with rights monitors reporting the deaths of at least 325 people, extrajudicial detentions, disappearances, and torture. The crisis continued into 2019 as arbitrary arrests and detentions continued, and perceived government opponents reported surveillance and monitoring.

Key Developments in 2019

- In May, following the death in state custody of a political prisoner, the opposition Civic Alliance for Justice and Democracy suspended its participation in a dialogue with the government aimed at negotiating a solution to the country's political crisis. The government then formally ended the talks in August.
- Between March and June, authorities released almost 400 political prisoners detained during the 2018 protests, though many were released to house arrest. However, arbitrary detentions have continued, prompting a condemnation by the UN High Commissioner for Human Rights (OHCHR) in November of the government's "persistent repression of dissent and the ongoing pattern of arbitrary arrests."

- In June, the government passed an amnesty law for crimes committed in the context of the 2018 antigovernment protests. Critics worried that the law effectively shields state authorities from prosecution for extrajudicial killings and other abuses, and bans people who had been detained for protesting from participating in future demonstrations.
- State harassment and repression against the media continued. *El Nuevo Diario*, one of the country's oldest newspapers, announced in September that it was being forced to close because authorities were preventing it from obtaining newsprint and ink.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

1 / 4

The constitution provides for a directly elected president, and elections are held every five years. Constitutional reforms in 2014 eliminated term limits and required the winner of the presidential ballot to secure a simple plurality of votes.

President Ortega was reelected in 2016 with over 72 percent of the vote in a severely flawed election that was preceded by the Supreme Court's move to strip the main opposition candidate, Eduardo Montealegre, of control of his Independent Liberal Party (PLI), leaving him no political vehicle to run for president. The decision crippled the PLI, and Ortega's closest competitor, Maximino Rodríguez of the Constitutionalist Liberal Party (PLC), received just 15 percent of the vote, with no other candidate reaching 5 percent. Ortega's wife, Rosario Murillo, ran as his vice presidential candidate.

Ortega's Sandinista National Liberation Front (FSLN) won 135 of 153 mayorships contested in 2017 municipal elections. There were reports ahead of the polls that the FSLN had ignored local primary surveys in order to put its preferred candidates up for election. Seven people were killed in postelection clashes between government and opposition supporters, according to the Nicaraguan Center of Human Rights (CENIDH).

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

1 / 4

The constitution provides for a 92-member unicameral National Assembly. Two seats in the legislature are reserved for the previous president and the runner-up in the most recent presidential election. Legislative elections are held every five years.

In 2016 legislative elections, Ortega's FSLN increased its majority to 70 seats in the National Assembly, followed by the PLC with 13 seats. The PLI won just 2 seats, in contrast to the 26 seats it won in the 2011 election. Ortega refused to allow international election monitoring. Montealegre was expelled from the PLI a few months ahead of the polls, severely damaging the party's competitiveness.

Nicaragua's North Caribbean Coast Autonomous Region (RACCN) and South Caribbean Coast Autonomous Region (RACCS) have regional councils, for which elections were held in March 2019; the FSLN won the largest share of the vote in each. The only independent observer group reported a number of irregularities, including the participation of voters from ineligible areas; low turnout; and a heavy military presence in several municipalities while polling took place.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

1 / 4

The Supreme Electoral Council (CSE) and judiciary generally serve the interests of the FSLN. In 2016, the CSE pushed 16 opposition members of the National Assembly from their seats in response to their failure to recognize the Supreme Court's move to expel Montealegre from the PLI; later that year it certified Ortega's reelection following a severely flawed electoral process.

The acting head of the CSE, Lumberto Campbell, was sanctioned by the United States in November 2019 over the CSE's role in "undemocratic tactics to ensure that President Ortega and his allies win elections, including ordering government employees to vote for Ortega and other FSLN candidates." Earlier, in 2017, then CSE head Roberto Rivas was sanctioned by the United States because, among other offenses, he allegedly "perpetrated electoral fraud undermining Nicaragua's electoral institutions." Rivas resigned in May 2018.

B. Political Pluralism and Participation

B1 0-4 pts

Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?

1 / 4

Political parties face legal and practical obstacles to formation and operations. Party leaders are easily co-opted or disqualified by Ortega-aligned institutions. Membership in the FSLN is often required in order to hold civil service positions, discouraging people from registering as members of other parties. Under 2014 constitutional reforms, legislators must follow the party vote or risk losing their seats.

B2 0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?

0 / 4

Years of political repression under Ortega, including through politicized court rulings and other measures that prevented opposition figures from participating in politics, severely limited the ability of the opposition to gain power through elections, and very few opposition figures hold legislative seats or other government positions. In 2018, police and progovernment armed groups employed lethal force against peaceful opposition and antigovernment protesters, and thousands of protest participants were arbitrarily detained and arrested. While such largescale violence was not repeated in 2019, heavy-handed repression of the opposition has continued. The government has refused to discuss electoral reforms or early elections as called for by the Nicaraguan population.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

1 / 4

President Ortega has consolidated all branches of government and most public institutions, as well as the country's media, under his party's control, allowing him and the FSLN great influence over people's political choices.

Public-sector workers experienced pressure to keep away from the antigovernment protest movement in 2018. Hundreds of health professionals were dismissed from public hospitals for providing assistance to protesters or for their alleged role in antigovernment demonstrations.

B4 0-4 pts**2 / 4**

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	
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Minority groups, especially the indigenous inhabitants of Nicaragua's eastern and Caribbean regions, are politically underrepresented across parties, and the government and FSLN largely ignore their grievances. The 2018 crackdown signaled Ortega's intolerance of activism that could be perceived as challenging his government, including by indigenous activists and other segments of the population seeking greater political rights.

As per a new municipal electoral law approved in 2012, half of each party's candidates for mayoralties and council seats must be women. Women also hold 45 percent of National Assembly seats. In practice, successful political advocacy by women is generally restricted to initiatives that enjoy the support of the FSLN, which has not prioritized women's policy concerns.

C. Functioning of Government

C1 0-4 pts

<p>Do the freely elected head of government and national legislative representatives determine the policies of the government?</p>	<p>1 / 4</p>
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The FSLN dominates most public institutions. The tripartite alliance between government, private business, and organized labor, which is recognized in Article 98 of the constitution, has become less functional since the private sector began to distance itself from the government upon the violent events of 2018. The manipulation of the 2016 election and the expulsion of 16 opposition politicians from the legislature prevented elected representatives from determining government policies.

Under constitutional reforms in 2014, Ortega has a wide degree of discretionary powers to set policy.

C2 0-4 pts**Are safeguards against official corruption strong and effective?****1** / 4

Because the justice system and other public bodies are generally subservient to Ortega and the FSLN, there is little chance that allegations of corruption against government officials will see a thorough investigation or prosecution. Corruption charges against high-ranking government officials are rare, while corruption cases against opposition figures are often criticized for being politically motivated.

Ortega's sons and daughters have been appointed to prominent positions such as ambassador and presidential adviser.

C3 0-4 pts**Does the government operate with openness and transparency?****1** / 4

Government operations and policymaking are generally opaque. The 2007 Law on Access to Public Information requires public entities and private companies doing business with the state to disclose certain information. Government agencies at all levels generally ignore this law.

Ortega rarely holds press conferences. The Communications and Citizenry Council, which oversees the government's press relations, is directed by Vice President Murillo and has been accused of limiting access to information.

In September 2019, the government prevented members of an Organization of American States (OAS) delegation from entering the country. The mission had been tasked with conducting high-level diplomacy seeking "a peaceful and effective solution to the political and social crisis in Nicaragua."

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

1 / 4

The press has faced increased political and judicial harassment since 2007, when Ortega returned to power, with the administration engaging in systematic efforts to obstruct and discredit media critics. Journalists covering the political crisis have been subject to threats, arrest, and physical attacks. The Inter-American Commission on Human Rights (IACHR) has granted protectionary measures to several journalists in light of harassment and death threats.

Repression of journalists has become acute since the current political crisis broke out in 2018. As that year's protest movement grew, the state ordered television companies and mobile phone service providers to stop transmitting several independent news channels through their systems. Numerous outlets have been raided and closed. In December 2018, police raided and confiscated equipment from the facilities of the digital news platform Confidencial and the television program *Esta Semana*, and closed the news station 100% Noticias. In September 2019, the government announced that it would not return 100% Noticias to its owners until it had completed its investigations of station director Miguel Mora, and news director Lucía Pineda. Both had been charged with terrorism and detained in 2018, though they were released in June 2019.

In September 2019, the newspaper *El Nuevo Diario* announced that it would close after nearly 40 years. The newspaper's director said that the

government was preventing it from obtaining paper and ink, a problem that also persists for the newspaper *La Prensa*—though it remained open at year's end. Earlier, in January 2019, prominent journalist Carlos Fernando Chamorro announced that he had gone into exile due to threats.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?

2 / 4

Religious freedom was generally respected prior to the 2018 crisis, though some Catholic and evangelical church leaders had reported retaliation by the government for criticism of the Ortega administration, including the confiscation or delay of imported goods and donations. Since the political crisis opened in 2018, however, church officials have been denounced and smeared by authorities for accompanying or defending antigovernment protestors, progovernment mobs have attacked churches where antigovernment protesters were sheltering, and members of the clergy have received threats and experienced surveillance. There have been reports that Ortega supporters have infiltrated parishes and harassed or intimidated parishioners at church services. In April 2019, Silvio José Báez, the auxiliary bishop of Managua, who had been critical of Ortega, was recalled to the Vatican after receiving numerous death threats.

Faith leaders have criticized attempts by the Ortega administration to co-opt religious belief for political ends. The government has required public employees to attend government-sponsored religious festivals, making them miss official Catholic Church events.

Score Change: The score declined from 3 to 2 due to increasing state harassment of clergy and parishioners.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?

2 / 4

Prior to the 2018 crisis, academic freedoms were generally respected, although some academics refrained from open criticism of the government. Since then, teachers have reported being required to attend training that promotes government views and reaffirms the government's version of the 2018 political crisis. In the public primary and secondary school system, there have been reports of students being required to attend progovernment rallies, and of pro-FSLN materials displayed in school buildings.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?

2 / 4

In 2019, repression and intimidation by state and progovernment forces contributed to a generalized climate of fear and terror that continues to restrict free expression. The families of victims of regime violence are subjected to routine monitoring and surveillance. In 2019, the Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights (REDESCA) of the IACHR reported concerns about discrimination and retaliatory threats against state employees who disagreed with or acted against state policy.

Access to the internet remains unrestricted, and many people still speak their minds freely on social networks.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

0 / 4

Freedom of assembly deteriorated severely in 2018, when at least 325 people were killed and at least 2,000 were injured in a ferocious crackdown on an antigovernment protest movement that began that April, after authorities announced social security reforms; it soon turned into a broader antigovernment movement aimed at forcing the regime from power. A majority of the abuses have been attributed to the national police and armed allied groups, which the OHCHR said in an August 2018 report operate with “total impunity.” In September of that year, the national police issued a statement declaring unauthorized marches and demonstrations “illegal.” Police have since denied permits for public demonstrations, and have occupied public spaces to prevent protests.

In 2019, police blocked or dispersed a number of attempted demonstrations. More than 100 people were arrested March 2019 for attempting to protest in Managua, but ultimately released. A protest in April meant to commemorate the start of the protests the year before was prevented by riot police, who surrounded groups of marchers before they could begin marching; an opposition coalition said 22 people were arrested. In September, police violently dispersed another gathering commemorating the death of a teenager who was killed at a protest the previous year. And in November, more than a dozen activists were arrested and charged with trafficking ammunition and firearms after they attempted to deliver water to a Masaya church where relatives of detained prisoners were on a hunger strike.

An amnesty law passed in June 2019 states that protesters who are released must not take part in actions that lead to further “crimes,” effectively prohibiting them from again participating in antigovernment demonstrations.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?

0 / 4

Groups critical of the government or that focus on issues like corruption have operated within an increasingly restrictive environment under the Ortega administration, which among other measures has used registration laws to choke off their sources of funding. Since April 2018, human rights defenders and leaders of civil society organizations have experienced severe harassment, arbitrary detention, and arbitrary expulsion. Twelve NGOs, most of which focused on democracy, human rights, or press freedom, saw their registration cancelled at the close of 2018. Human rights organizations reported continued monitoring and surveillance in 2019.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

2 / 4

The FSLN controls many of the country's labor unions, and the legal rights of non-FSLN unions are not fully guaranteed in practice. Although the law recognizes the right to strike, approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Employees have reportedly been dismissed for union activities, and citizens have no effective recourse when those in power violate labor laws.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

1 / 4

The judiciary remains dominated by FSLN and PLC appointees, and the Supreme Court is a largely politicized body controlled by Sandinista judges.

F2 0-4 pts

Does due process prevail in civil and criminal matters?**0 / 4**

Since protests erupted in April 2018, UN investigators and other human rights organizations have documented rampant violations of due process. These include widespread arbitrary arrests and detentions by police and allied progovernment forces, failure to produce search or arrest warrants, no discussion of detainees' rights, no public registry of detainees or their location, and individuals being held incommunicado during initial detention.

The government announced in February 2019 that it would release political prisoners detained during the 2018 protests. Between mid-March and mid-June, the government released nearly 400 people imprisoned for activities related to the 2018 protests; 286 of those were released under house arrest while charges against them remained active. Released prisoners were subjected to harassment and surveillance. Defense attorneys of political prisoners also reported being harassed. Throughout 2019, the Ortega administration refused to release information about the status of prisoners to their families or attorneys. In November, a spokesperson for the OHCHR condemned the government's "persistent repression of dissent and the ongoing pattern of arbitrary arrests."

An amnesty law passed in June 2019 covers crimes committed during the 2018 protests. Although the law acknowledges that crimes covered by international treaties, such as crimes against humanity, would be excluded from the amnesty, critics feared that the law would be used to shield the state and its agents from responsibility for past abuses.

F3 0-4 pts**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?****1 / 4**

The 2018 antigovernment protest movement was met with violent repression by police and informally allied armed forces, resulting in the deaths of at least

325 people. In an August 2018 report on repression of the protest movement, the OHCHR detailed severe abuses including psychological and physical torture of detainees, including sexual violence, forced confessions, disappearances, and extrajudicial killings. In 2019 there were reports of dozens of antigovernment activists being killed in more remote parts of the country, allegedly by police and paramilitaries. Additionally, in May, Eddy Montes Praslin, who was reportedly jailed in October 2018 after complaining to police that progovernment activists were occupying his property, was shot and killed at La Modelo prison near Managua. News of his death prompted the opposition Civic Alliance for Justice and Democracy to withdraw from a dialogue with the government until authorities released individuals designated as political prisoners by the International Committee of the Red Cross (ICRC). The dialogue ended in August when the government formally canceled it.

Changes to the military code and national police passed in 2014 give the president power to deploy the army for internal security purposes and appoint the national police chief, and permitted the police to engage in political activity. The 2015 sovereign security law has been criticized for militarizing civilian agencies.

In April 2019, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that 62,000 Nicaraguans fled the country in 2018 and 2019, with 55,000 seeking asylum in Costa Rica alone. By October, according to the agency, an estimated 82,000 Nicaraguans had left the country, with more than 68,000 in Costa Rica.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

2 / 4

The constitution and laws nominally recognize the rights of indigenous communities, but those rights have not been respected in practice.

Approximately 5 percent of the population is indigenous and lives mostly in the RACCN and the RACCS.

The country's LGBT+ population is subject to intermittent threats and discriminatory treatment.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?

2 / 4

The 2018 collapse of institutions, that year's bloody crackdown on dissenters, and continuing government repression since have created a climate of fear and mistrust that discourages free movement. Poor infrastructure limits movement in some majority-indigenous areas.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?

2 / 4

Property rights are protected on paper but can be tenuous in practice. Titles are often contested, and individuals with connections to the FSLN sometimes enjoy an advantage during property disputes. Conflict over land in the RACCS between indigenous Miskito residents and settlers continued in 2019, resulting in numerous deaths of Miskito individuals. The Center for Justice and International Law (CEJIL) warned in a report issued in August that Miskito communities in the north could be at risk of extinction due to land invasions.

Individuals and communities in the construction zone for a planned interoceanic canal report have reported intimidation by surveyors and anonymous actors, though the project appeared to have stalled.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?

2 / 4

Individuals enjoy broad freedom in their interpersonal relationships and in their personal appearance.

Domestic violence remains widespread and underreported, and few cases are ever prosecuted. The 2012 Comprehensive Law against Violence toward Women addresses both physical and structural forms of violence, and recognizes violence against women as a matter of public health and safety. A 2013 reform to the law allows mediation between the victim and accuser, despite concerns from rights groups. The family code includes protections for pregnant minors and the elderly, establishes equal duties of mothers and fathers, and prohibits physical punishment of children. It defines marriage as a union between a man and a woman and, as such, deprives same-sex couples the right to adopt children or the ability to receive fertility treatment.

Abortion is illegal and punishable by imprisonment, even when performed to save the mother's life or in cases of rape or incest. The criminalization of abortion can cause women to seek out risky illegal abortions that can jeopardize their health.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2 / 4

Nicaragua is a source country for women and children forced into prostitution; adults and children are also vulnerable to forced labor, notably in the agriculture and mining sectors, and as domestic servants. While recognizing the government's "significant efforts" to tackle human trafficking, the 2019 US State Department's *Trafficking in Persons Report* said the country did not demonstrate increasing efforts over the previous year, and that the Caribbean coastal regions continued to be disproportionately affected due to weaker institutions there.

Much of the economy is informal, and workers in these sectors lack legal protections associated with formal employment. The legal minimum wage is inadequate to cover the cost of basic goods.



On Nicaragua

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Global Freedom Score

31 / 100 Not Free

Other Years

2019

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